PERRIS DAM EMERGENCY RELEASE FACILITY

Findings of Fact Regarding Environmental Impacts

The Department of Water Resources (DWR), acting as a lead agency, makes the following findings in response to the potentially significant effects on the environment identified and analyzed in the Final Environmental Impact Report (EIR) for the Perris Dam Emergency Release Facility (project).

Findings for impacts that cannot be reduced to a less than significant level are discussed in Part I.A and impacts that will be rendered less than significant with mitigation are discussed in Part I.B. **Table B-1** lists impacts in the order in which they are discussed in the Draft EIR and the Recirculated Draft EIR, and indicates where they are discussed in the findings. Less than significant impacts not requiring mitigation are not included on the table or discussed within these findings. Findings regarding alternatives to the project are contained in Part II. Discussions of the environmental impacts and mitigation measures contained in these findings paraphrase language in the Final EIR (the language of the Final EIR governs).

A Statement of Overriding Considerations for significant and unavoidable impacts is contained in Exhibit C. The specific mitigation measures that are within the responsibility and jurisdiction of DWR are also included in the Mitigation, Monitoring and Reporting Program (MMRP) found in Exhibit D.

The Perris Dam Emergency Release Facility Final EIR includes a list of persons, organizations and public agencies that commented on the Draft EIR and the Recirculated Draft EIR, comments and recommendations received on the Draft EIR and the Recirculated Draft EIR, and DWR's responses to significant environmental points raised in the review and consultation process. The Draft EIR and the Recirculated Draft EIR as published are included as Appendix AA and Appendix AB of the Final EIR.

The custodian and location of the Final EIR and other documents or other materials which constitute the record of the proceeding are:

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PART I.A: Significant Unavoidable Adverse Impacts

The Final EIR indicates that significant unavoidable impacts attributable to the proposed project include impacts to the visual character of the site during construction, noise and vibration impacts during construction, and impacts to traffic during construction. As described below in the findings for these impacts, there are either no feasible mitigation measures or the feasible mitigation measure(s) would only partially mitigate the significant impact and the residual effect would remain significant. It is hereby determined that these impacts are acceptable for the reasons specified in the Statement of Overriding Considerations, presented in Exhibit C.

Section 3.1 Aesthetics

Impact 3.1-3

Visual Character or Quality of the Site: Construction activities including equipment, material laydown, and excavation would result in a change to the visual character of the surrounding area.

Findings

Construction activities would temporarily affect local views over the 3-year construction period. The proposed construction activities would be visible from Ramona Expressway, but would not obstruct views of the surrounding landscape from roadway vantage points. Nonetheless, the short-term visual impacts resulting from construction of the proposed project would be a significant and unavoidable change in the visual character of the surrounding area.

Section 3.11 Noise

Impact 3.11-1

Exposure of People to Noise Exceeding Local Standards: Construction activities would substantially increase ambient noise levels or generate noise levels in excess of standards established in the local general plans or noise ordinances, or applicable standards of other agencies.

Findings

Construction activities would require the use of heavy equipment during site preparation, grading, excavation, and building activities. Project construction would expose the nearby off-site receptors (residents) to increased exterior noise levels, particularly if nighttime construction is necessary. The impact has been reduced by the adoption of Mitigation Measures NOISE-1 through NOISE-4 which requires construction contractors minimize noise impacts, including informing the public of the construction hours, providing an on-site complaint and enforcement manager. However, even with implementation of mitigation measures, nighttime construction would result in potentially significant and unavoidable noise impacts.

Furthermore, the project's contribution to cumulative noise impacts would be considerable, even with implementation of mitigation measures since the noise attributed to construction combined with other noise sources could exceed significance thresholds.

Impact 3.11-4

Temporary or Periodic Increase in Ambient Noise Levels: Project construction would result in a substantial increase of ambient noise levels compared to existing noise levels.

Findings

Construction of the proposed project would increase ambient noise levels at nearby off-site receptors (residences and recreational areas) by 5 dBA during construction. The impact would be reduced by the adoption of Mitigation Measures NOISE-1 through NOISE-4 which prohibits nighttime blasting and requires construction contractors to implement measures designed to minimize noise and its impacts, including informing the public of the construction hours and providing an on-site complaint and enforcement manager. However, construction activities associated with the proposed project construction could generate a substantial temporary and periodic increase in ambient noise levels in the project vicinity and would remain potentially significant and unavoidable.

Furthermore, the project's contribution to cumulative ambient noise impacts would be considerable, even with implementation of mitigation measures since the noise attributed to construction combined with other noise sources could contribute to substantial increases in ambient noise levels.

Section 3.14 Transportation and Traffic

Impact 3.14-1

Conflict with applicable plans, ordinances, or policies about circulation system: Implementation of the proposed project would contribute to excessive delays within heavily-used commuter routes.

Findings

For Option A (partial road closure) or Option B (full road closure), construction of the Evans Road bridge would significantly impact peak-hour level of service (LOS) at several local intersections. DWR would require the contractor to prepare a Traffic Management Plan and post signs at affected roadways. However, any reduction of lanes or closure of all lanes for periods of time would result in significant delays to heavy commuter routes on Evans Road, Ramona Expressway, and other intersections within the vicinity of construction activities during peak periods. Option B (Full Closure) would result in detours. Impacts would be reduced with implementation of Mitigation Measure TRANS-1, which would reduce delays at impacted intersections during proposed bridge construction. All intersections would benefit from mitigation measures incorporated at other intersections along the detour route. However, no mitigation measures were determined feasible for the I-215 northbound ramps/Ramona Expressway intersection within the scope of the proposed project. Impacts would remain significant and unavoidable.

Construction of the Avalon Parkway box culvert would allow for one-way access during larger Fairgrounds events. However, due to the contribution of traffic being shifted toward the Lake

Perris Drive/Ramona Expressway intersection during larger events, impacts to the Lake Perris Drive intersection would be considered significant and unavoidable during construction. In addition, partial closure of Lake Perris Drive for bridge construction would also result in significant and unavoidable impacts during larger Fairgrounds events.

Furthermore, the project's contribution to cumulative traffic impacts would be considerable, even with implementation of mitigation measures since the traffic delays attributed to construction combined with the cumulative traffic condition within the affected intersections could exceed significance thresholds.

PART I.B: Significant and Potentially Significant Adverse Impacts Reduced to Less-than-Significant Level by Mitigation Measures Incorporated into the Project

The Final EIR identifies significant impacts which are reduced to a "less-than-significant" level by the inclusion in the proposed project approval of the mitigation measures identified in the Final EIR. It is hereby determined that the significant environmental impacts that these mitigations address will be avoided or substantially lessened by their inclusion in the proposed project.

Section 3.2 Air Quality

Impact 3.2-2

Violate Air Quality Standard: Construction emissions would exceed the South Coast Air Quality Management District's (SCAQMD's) daily significance thresholds for PM_{10}, $PM_{2.5}$, and NO_x.

Findings

Construction activities including blasting, rock material transportation activities, and the construction of the water conveyance facility would exceed SCAQMD's daily significance threshold for PM_{10} and $PM_{2.5}$. Additionally, maximum daily construction emissions generated by the proposed project over the 3-year construction period would exceed SCAQMD's daily significance threshold for NO_x. These impacts are substantially lessened by the adoption of Mitigation Measures AQ-1 and AQ-2 which limits maximum daily haul truck trips transporting rock material and requires the use of EPA-Rated Tier 4 engines to reduce these criteria pollutant emissions. With implementation of the mitigation measures, impacts would be less than significant.

Impact 3.2-3

Cumulative Considerable Net Increase of Criteria Pollutant: The proposed project along with other foreseeable future projects in the Basin could violate an air quality standard or contribute to an existing or projected air quality violation.

Findings

Implementation of the proposed project would result in air emissions of criteria pollutants (NO_x, PM_{10}, and $PM_{2.5}$) that exceed the SCAQMD's recommended daily thresholds for project-specific construction impacts. Therefore, it would also result in a cumulatively considerable net increase of these criteria pollutants for which the proposed project region is in nonattainment under an applicable federal or state ambient air quality standard. Similar to Impact 3.2-2, the impact is substantially lessened by adoption of Mitigation Measures AQ-1 and AQ-2. With implementation of the mitigation measures, the project's contribution to cumulative air quality impacts would be less than significant.

Section 3.3 Biological Resources

Impact 3.3-1a

Sensitive or Special-Status Plant Species: The proposed project has potential to impact listed, endangered, threatened, candidate, or state rare plants.

Findings

Based on literature reviews and surveys conducted in 2007 and 2008, it is unlikely that listed plant species have more than a low potential to occur on or adjacent to the proposed project area. However, there is potential for plants to colonized the area prior to construction activities. The potential for impacts to special status plant species is substantially reduced by implementation of Mitigation Measure BIO-1 which requires preconstruction rare plant surveys during the appropriate blooming period of plants with potential to occur on-site. With implementation of the mitigation measure, impacts would be less than significant.

Impact 3.3-1b

Sensitive or Special-Status Wildlife Species: Implementation of the proposed project would result in temporary and permanent loss of non-native annual grassland habitat presumed to support the federally-listed endangered Stephen's kangaroo rat and the permanent and temporary loss of Riversidean sage scrub, southern willow woodland and scrub, non-native grassland and other habitats which may support non-avian ground dwelling special-status species such as the northern red diamond rattlesnake, coastal western whiptail, San Diego pocket mouse, Los Angeles pocket mouse, San Diego black-tailed jackrabbit, and American badger.

Findings

Fourteen non-listed sensitive ground dwelling wildlife species and a listed ground-dwelling species, Stephens' kangaroo rat, have a moderate to high potential to occur within proposed project impact areas. Although no Stephens' kangaroo rats have been found within areas to be impacted by construction, they could move into the temporary construction areas and they could migrate into areas with potential to become inundated in the event of an emergency drawdown operation of the reservoir. The impact is substantially lessened by adoption of Mitigation Measure BIO-2a requiring preconstruction surveys for Stephens' kangaroo rat within grassland habitat, avoidance of confirmed Stephens' kangaroo rat precincts, and approved mitigation bank purchases or replaced occupied-habitat if avoidance of precincts is infeasible. Furthermore, implementation of Mitigation Measure BIO-2b would reduce the potential impacts from construction activities for small mammals by requiring the construction area to be fenced and a qualified biologist to conduct a trap and release effort prior to the start of construction. Mitigation Measure BIO-2c requires the preparation of a Restoration Plan to ensure habitat restoration along the levee slopes. With implementation of these mitigation measures, impacts would be less than significant.

Impacts 3.3-1c

Sensitive or Special-Status Avian Wildlife Species: Project construction would impact suitable nesting habitat and suitable habitat for the burrowing owl and potentially the California gnatcatcher.

Findings

Construction-related activities could result in a significant impact due to the loss or abandonment of nests of common bird species and disturbance of areas that may become inhabited by burrowing owls. In addition, the Riversidean sage scrub habitat found within the SRA near the Lake Perris Fairground could potentially provide suitable nesting habitat and the adjacent riparian habitat could serve as foraging habitat for the California gnatcatcher. Several non-native trees and large shrubs would be removed during construction of the Fairgrounds segment which would remove suitable nesting habitat for migratory birds. The impact is substantially reduced by adoption of Mitigation Measures BIO-3 through BIO-6 which require preconstruction nesting bird and burrowing owl surveys and avoidance of plant removal during breeding season. With implementation of the mitigation measures, impacts would be less than significant.

Impact 3.3-6

Conflict with HCP, NCCP, or other approved HCP: The proposed project is located within Western Riverside County MSHCP and Stephens' Kangaroo Rat HCP.

Findings

Implementation of the proposed project would temporarily impact land within the MSHCP designated as Public/Quasi Public, but would not alter the land use. The proposed project would not conflict with the HCPs. The proposed project area could become occupied by Stephens' kangaroo rat. The impact is substantially lessened by the adoption of Mitigation Measure BIO-2a which ensures compliance with the HCP and coordination with the RCHCA. With implementation of the mitigation measures, impacts would be less than significant.

Section 3.4 Cultural Resources

Impact 3.4-1

Historical and Archaeological Resources: Construction-related activities could adversely affect known or unknown cultural resources, including unique archaeological resources and historic resources.

Findings

Archival research indicates that the surrounding project region is highly sensitive to cultural resources and one prehistoric archaeological site. Implementation of the proposed project includes ground-disturbing activities that will extend to depths of 11 feet below ground surface which results in potential to disturb previously undocumented cultural resources that qualify as historical or unique archaeological resources. The impact is substantially reduced by the adoption of Mitigation Measures CUL-1 through CUL-5 which require proper construction personnel training, obtaining an archaeological monitor onsite during ground-disturbing activities, preparing

a final archaeologist monitoring report, and curating all cultural materials collected during the monitoring program. With implementation of the mitigation measures, impacts would be less than significant.

Impact 3.4-2

Paleontological Resources: The proposed project could adversely affect unidentified paleontological resources.

Findings

Although there are no records of fossils within one mile of the project area, the proposed project area is located in an area of low to high sensitivity for paleontological resources with high sensitivity occurring when excavation is below 5 feet. With the depth of excavation for the project construction, there is potential for paleontological resources to be unearthed during construction of each segment. The impact would be substantially lessened with the adoption of Mitigation Measure CUL-6 which requires a paleontologist to monitor during ground excavations greater than 5 feet. With implementation of the mitigation measures, impacts would be less than significant.

Impact 3.4-3

Human Remains: The proposed project could adversely affect human remains, including those interred outside of formal cemeteries.

Findings

Although no known human remains exist within the project area, the proposed project involves ground-disturbing activities which could unearth, expose, or disturb previously unknown human remains. The impact would be lessened with implementation of Mitigation Measure CUL-7 which requires compliance with California Health and Safety Code Section 7050.5 and PRC Section 5097.98(b) that ensure proper handling of human remains in the field, if discovered. With implementation of the mitigation measure, impacts would be less than significant.

Section 3.8 Hazards and Hazardous Materials

Impact 3.8-9

Lake Perris SRA Visitors and Fairgrounds Visitors Exposure to Hazardous Conditions: Project construction equipment and activities would pose hazards to park visitors and Fairground visitors.

Findings

Because the project construction involves large machinery and haul trucks that pose as hazards to the general public, a portion of Lake Perris SRA and Lake Perris Fairgrounds would be closed off and off limits for the duration of construction activities. Signs and fencing would also be installed to secure the construction zone at all times during construction. The impact would be significantly reduced with the adoption of Mitigation Measure HAZ-1 which would require DWR to develop a site safety plan with California State Parks and Lake Perris Fairgrounds for the

construction activities. With implementation of the mitigation measures, impacts would be less than significant.

Section 3.10 Land Use and Planning/Agriculture and Forestry Resources

Impact 3.10-3

Conflict with Habitat Conservation Plan or Natural Community Conservation Plan: Implementation of the proposed project could conflict with the Western Riverside County MSHCP and the Stephens' Kangaroo Rat HCP.

Findings

The proposed project is located within MSHCP and Stephens' kangaroo rat HCP and would be compatible with both plans. However, implementation of Mitigation Measure BIO-2 would be required to confirm the absence of Stephens' kangaroo rat within the proposed project impact areas. This mitigation measure would require preconstruction surveys for Stephens' kangaroo rat and avoidance of confirmed Stephens' kangaroo rat precincts, thus would reduce impacts significantly. With implementation of the mitigation measures, impacts would be less than significant.

Section 3.11 Noise

Impact 3.11-2

Exposure to Ground-borne Vibration or Ground-borne Noise Levels: Construction activities including the use of large bulldozers, loaded trucks, and blasting could generate excessive vibration levels.

Findings

Off-road equipment and on-road haul trucks associated with the proposed project would generate ground-borne vibration levels to nearby residential receptors. Blasting activities would also generate vibration levels but the nearest off-site sensitive structure would be located approximately 5,000 feet away. Although these vibration levels would not exceed the applied structural damage or human annoyance significance thresholds, Mitigation Measure NOISE-4 would require the preparation of a Blasting Plan. With implementation of the mitigation measures, impacts would be less than significant.

Section 3.12 Public Services, Utilities, and Service Systems

Impact 3.12-1

Substantial physical impact associated with response times for fire protection and police protection: Project construction would result in partial and full road closures which would impact access and response time by emergency responders.

Findings

Construction of the proposed project would result in partial or full road closures at the intersections of Lake Perris Drive and Ramona Expressway and Evans Road and Ramona Expressway. These lane closures would impact access by emergency responders and increase response times due to the use of planned detour routes. The impact is substantially reduced by the adoption of Mitigation Measure UTIL-1 which requires temporary emergency vehicle access connecting Evans Road to Lake Perris Drive for use only by emergency responders on an as-needed basis. With implementation of the mitigation measures, impacts would be less than significant.

Impact 3.12-9

Encounter Buried Materials: Implementation of the proposed project could potentially unearth and encounter underground utility infrastructure.

Findings

Numerous utilities exist underground below the project area that could be potentially encountered during project construction. Any utilities in the project vicinity would be avoided if possible. If temporary service interruptions are necessary, measures would be implemented to minimize the temporary nuisance on their customers. The impact is substantially reduced by the adoption of Mitigation Measure UTIL-2 which would conduct an underground utilities search prior to construction in order to compile all available information on utility locations. With implementation of the mitigation measures, impacts would be less than significant.

PART II: Findings of Fact Concerning Project Alternatives

Introduction

CEQA requires that an EIR "describe a range of reasonable alternatives to the project or to the location of the project, which could feasibly attain the basic objectives of the project…" [CEQA Guidelines §15126.6 (a)]. If a project alternative will substantially lessen the significant environmental effects of a proposed project, the decision maker should not approve the proposed project unless it determines that "specific economic, legal, social, technological, or other considerations… make infeasible the project alternatives identified in the final EIR." Public Resources Code §21002, CEQA Guidelines §15091(a)(3).

The findings on significant effects and mitigation showed that the following categories of effects will remain significant even after the imposition of mitigation:

- Aesthetics
- Noise and Vibration
- Transportation and Traffic

As detailed above, when an agency finds that feasible mitigation measures alone will not lessen one or more effects to a level of less than significant, the agency must make a finding on whether the alternatives examined in the EIR could eliminate or avoid the significant effect. DWR finds that none of the alternatives examined in the EIR would be a feasible means to avoid or eliminate the remaining significant effects.

The EIR examines five alternatives to the proposed project:

1. Channel Only
2. Fairgrounds Segment – Concrete-Lined Channel
3. Fairgrounds Segment – Unlined Channel
4. Fairgrounds Segment – Fully Covered Channel
5. No Project

The objectives of the proposed project are to:

- Construct improvements to reduce the risk to public safety and property resulting from the execution of an emergency operation to drawdown Lake Perris;
- Reduce the risk to DWR Operations and Maintenance staff from operating the emergency release structure; and
- Improve the emergency release structure such that it can be reliably operated to drawdown Lake Perris to meet Division of Safety of Dams (DSOD) emergency drawdown requirements.

With the exception of the No Project Alternative, all of the alternatives evaluated in the EIR would meet the stated project objectives. However, the No Project Alternative would fail to meet any of the project objectives.

DWR finds that the analysis of impacts and mitigation contained in the EIR (summarized in Chapter 6, Table 6-2 of the Recirculated Draft EIR) show that none of the project alternatives would avoid significant unavoidable and immitigable environmental impacts. DWR finds that no alternative can reduce all significant unavoidable impacts to a level that is less than significant while still satisfying the project objectives. The proposed project is identified as the Environmentally Superior Alternative.

DWR explains how it balances the benefits of the project against its unavoidable environmental impacts in Exhibit C - Statement of Overriding Considerations. The discussion below provides more detail on each alternative.

SRA Segment Alternative

Alternative 1 Channel Only

Under this alternative, an open trapezoidal, unlined channel would be constructed instead of the proposed levees in the Lake Perris SRA segment. The channel would run along the southern portion of the SRA and end at the emergency release structure. The Western Segment, the Fairgrounds segment, and the emergency release structure upgrades would be constructed similarly to what was described in Chapter 2 of the Draft EIR and the Recirculated Draft EIR. Exports of materials off-site would be required as part of this alternative.

The Channel Only Alternative would meet each of the project objectives. However, the Channel Only Alternative would result in increased impacts for air quality, biological resources, land use, and traffic since the project would require deeper excavation and increased truck trips to haul excess materials offsite during construction and the permanent removal of existing habitat below the dam.

DWR finds that the Channel Only Alternative does not reduce any of the significant and unavoidable impacts of the project and even potentially creates other significant effects that are avoided by the selection of the project.

Fairgrounds Segment Alternatives

Alternative 2 Fairgrounds Segment – Concrete-Lined Channel

The Fairgrounds Segment Concrete Lined Channel would construct an open, rectangular unlined channel with steeper side slopes for the Fairgrounds segment. Unlike the dual-use unlined channel, this alternative would occupy a smaller impact footprint along the southern edge of the fairgrounds. All other project components would be constructed similar to what is described in Chapter 2 of the Draft EIR and Recirculated Draft EIR.

The Fairground Segment - Concrete Lined Channel Alternative would meet all of the project objectives and its impacts would be similar to the proposed project for most resource areas. Under this alternative, additional construction equipment, construction material (like concrete), haul truck trips, and time would be needed which would result in increased impacts to air quality and traffic.

DWR finds that the Fairground Segment - Concrete Lined Channel Alternative does not reduce any of the significant and unavoidable impacts of the project and even potentially creates other significant effects that are avoided by the selection of the project.

Alternative 3 Fairgrounds Segment – Unlined Channel

This alternative would construct an open, unlined trapezoidal channel with steeper side slopes for the Fairground Segment. Compared to the proposed project, it would have a smaller impact footprint of 12 acres across the southern edge of the fairgrounds. The SRA Segment, Western Segment, and emergency release structure upgrades would be constructed in a similar manner to the proposed project.

The Fairground Segment – Unlined Channel would meet all of the project objectives and its impacts would be similar to the proposed project for all of the resource areas. However, this alternative would result in a slight loss of acreage within the parking area and fairground facilities after construction.

DWR finds that the Fairground Segment - Unlined Channel Alternative results in similar impacts as the proposed project and does not reduce any of the significant and unavoidable impacts. This Alternative was included in the Project Description of the Recirculated Draft EIR as equally likely to be implemented as the proposed project. Impacts associated with construction of this alternative would be similar to the proposed project. Mitigation measures associated with the proposed project would apply equally to this alternative should it be selected for implementation.

Alternative 4 Fairgrounds Segment – Fully Covered Channel

The Fairground Segment Fully Covered Channel Alternative would construct the Lake Perris Fairground segment underground as either a box culvert or pipeline. Construction of this alternative would result in a similar impact area as Alternative 2, which is smaller than the proposed project. The SRA Segment, Western Segment, and emergency release structure upgrades would be constructed in a similar manner to the proposed project.

The Fairground Segment Fully Covered Channel Alternative would meet all of the project objectives and result in similar impacts to the proposed project for most resource areas. Impacts to air quality and traffic would increase due to the additional material, hauling of materials onsite, construction equipment, and time that would be required for this alternative.

DWR finds that the Fairground Segment Fully Covered Channel Alternative does not reduce any of the significant and unavoidable impacts of the project and even potentially creates other significant effects that are avoided by the selection of the project.

No Project Alternative

Under the No Project Alternative, the proposed Perris Dam Emergency Release Facility would not occur. This alternative assumes the proposed Emergency Release Facility would not be constructed.

The No Project Alternative would eliminate all potentially significant construction and operational impacts associated with the proposed project. As discussed in Chapter 3 of the Draft EIR and the Recirculated Draft EIR, implementation of the proposed project would generate potentially significant and unavoidable impacts to aesthetics associated with construction, noise and vibration, and traffic and transportation during construction. However, as identified in Chapter 6 of the Recirculated Draft EIR, the No Project Alternative would potentially result in long-term and potentially significant impacts to public safety and property damage due to the increased level of risk associated with flood hazards downstream of Lake Perris.

DWR finds that the No Project Alternative would avoid all proposed project impacts including the significant and unavoidable impacts, but would meet none of the project objectives.

FINDINGS DETERMINATION

I adopt the Findings set forth in this Exhibit B which meet the requirements of CEQA Guidelines Section 15091. To the extent that these findings conclude that various mitigation measures are feasible and within the DWR's responsibility and jurisdiction, I direct the DWR to implement these measures, thereby incorporating them as part of the proposed project.

Karla Nemeth, Director
Department of Water Resources

May 2, 2018
Date